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By CM/ECF

August 25, 2022

The Honorable Philip M. Halpern
United States District Judge
The Honorable Charles L. Brieant Jr. Federal
Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: *Smolen v. Harrison, et. al.*, No. 7:17-cv-07494-PMH (S.D.N.Y.)

Dear Judge Halpern:

We represent the Plaintiff, Samuel J. Smolen, Jr., in the above-captioned case. We write on behalf of all parties regarding the Court's August 3, 2022 order, pursuant to which the Court directed the parties to inform the Court as to any objections to the proposed voir dire form and to file amended proposed jury instructions, joint pre-trial order, and verdict form.

Neither party has objections to the proposed voir dire questions. Both parties jointly submit the second amended proposed joint pre-trial order and verdict form. After meeting and conferring regarding the proposed jury instructions, the parties have resolved several disagreements and substantially narrowed their disputes. However, the parties still disagree on the instructions concerning Cognizable Liberty Interest and Constitutionally Sufficient Process. The parties' respective positions are set out in the second amended proposed jury instructions.

The parties are prepared to submit additional briefing or to conduct oral arguments on the outstanding disputes, should the Court so order. The parties thank the Court for its attention to this matter.

Respectfully submitted,
/s/ Katherine P. Onyshko

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cc: All counsel of record (by CM/ECF)